

(4) Property receipts and control logs for building passes, credentials, vehicles, weapons, etc.

(5) Temporary personal working notes kept solely by and at the initiative of individual members of DSS to facilitate their duties.

(h) *Notification of prior recipients.* Whenever a decision is made to amend a record, or a statement contesting a DSS decision not to amend a record is received from the subject individual, prior recipients of the record identified in disclosure accountings will be notified to the extent possible. In some cases, prior recipients cannot be located due to reorganization or deactivations. In these cases, the personnel security element of the receiving Defense Component will be sent the notification or statement for appropriate action.

(i) *Ownership of DSS Investigative Records.* Personnel security investigative reports shall not be retained by DoD recipient organizations. Such reports are considered to be the property of the investigating organization and are on loan to the recipient organization for the purpose for which requested. All copies of such reports shall be destroyed within 120 days after the completion of the final personnel security determination and the completion of all personnel action necessary to implement the determination. Reports that are required for longer periods may be retained only with the specific written approval of the investigative organization.

(j) *Consultation and referral.* DSS system of records may contain records originated by other components or agencies which may have claimed exemptions for them under the Privacy Act of 1974. When any action that may be exempted is initiated concerning such a record, consultation with the originating agency or component will be effected. Where appropriate such records will be referred to the originating component or agency for approval or disapproval of the action.

PART 322—PRIVACY ACT SYSTEMS OF RECORDS—DISCLOSURES AND AMENDMENT PROCEDURES—SPECIFIC EXEMPTIONS, NATIONAL SECURITY AGENCY

Sec.

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AUTHORITY: Pub. L. 93-579; 88 Stat. 1896 (5 U.S.C. 552a).

SOURCE: 40 FR 44294, Sept. 25, 1975, unless otherwise noted. Redesignated at 56 FR 55631, Oct. 29, 1991.

§ 322.1 Purpose and scope.

(a) The purpose of this rule is to comply with and implement title 5 U.S.C. 552a, sections (f) and (k), hereinafter identified as the Privacy Act. It establishes the procedures by which an individual may be notified whether a system of records contains information pertaining to the individual; defines times, places and requirements for identification of the individual requesting records, for disclosure of requested records where appropriate; special handling for medical and psychological records; for amendment of records; appeal of denials of requests for amendment; and provides a schedule of fees to be charged for making copies of requested records. In addition, this rule contains the exemptions promulgated by the Director, NSA, pursuant to 5 U.S.C. 552a(k), to exempt Agency systems of records from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), (I); and (f) of section 552a.

(b) The procedures established and exemptions claimed apply to systems of records for which notice has been published in the FEDERAL REGISTER

pursuant to the Privacy Act. Requests from individuals for records pertaining to themselves will be processed in accordance with these procedures and consistent with the exemptions claimed. Requests for records which do not specify the statute pursuant to which they are made but which may be reasonably construed to be requests by an individual for records pertaining to that individual will also be processed in accordance with these procedures and consistent with exemptions claimed. To the extent appropriate, these procedures apply to records maintained by this Agency pursuant to system of records notices published by the Civil Service Commission. The primary category of records affected by a Commission notice is that maintained in conjunction with the CSC system identified as “CSC-Retirement Life Insurance and Health Benefits Records System.” Authority pursuant to 44 U.S.C. 3101 to maintain each system of records for which notice has been published is implied in each “authority for maintenance of a system” of each systems notice.

§ 322.2 Definitions.

(a) *Access to the NSA headquarters*: means current and continuing daily access to those facilities making up the NSA headquarters.

(b) *Individual*: means a natural person who is a citizen of the United States or an alien lawfully admitted for permanent residence.

(c) *Request*: means a request in writing for records pertaining to the requester contained in a system of records and made pursuant to the Privacy Act or if no statute is identified considered by the Agency to be made pursuant to that Act.

(d) *System of Records*: means a grouping of records maintained by the Agency for which notice has been published in the FEDERAL REGISTER pursuant to section 552a(e)(4) of Title 5 U.S.C.

§ 322.3 Procedures for requests concerning individual records in a system of records.

(a)(1) *Notification*. Any individual may be notified in response to a request if any system of records contains a record pertaining to the requester by

sending a request addressed to: Information Officer, National Security Agency, Fort George G. Meade, Maryland 20755. Such request shall be in writing, shall be identified on the envelope and the request as a “Privacy Act Request,” shall designate the system or systems of records using the names of the systems as published in the system notices, shall contain the full name, present address, date of birth, social security number and dates of affiliation or contact with NSA/CSS of the requester and shall be signed in full by the requester.

(2) A request pertaining to records concerning the requester which does not specify the Act pursuant to which the request is made shall be processed as a Privacy Act request. A request which does not designate the system or systems of records to be searched shall be processed by checking the following systems of records: Applicants; Personnel; Health, Medical and Safety.

(b)(1) *Identification*. Any individual currently not authorized access to the National Security Agency headquarters who requests disclosure of records shall provide the following information with the written request for disclosure: full name, present address, date of birth, social security number, and date of first affiliation or contact with NSA/CSS and date of last affiliation or contact with NSA/CSS.

(2) Any individual currently authorized access to the National Security Agency headquarters shall provide the following information with the request for notification: full name, present organizational assignment, date of birth, social security number.

(3) Such request shall be treated as a certification of the requester that the requester is the individual named. Individuals should be aware that the Privacy Act provides criminal penalties for any person who knowingly and willfully requests or obtains any records concerning an individual under false pretenses.

§ 322.4 Times, places and procedures for disclosures.

(a) Individual not currently affiliated with NSA:

(1) *Request procedure*. Any individual currently not authorized access to the